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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,857	04/26/2001	J. J. Garcia-Luna-Aceves	5543P005	1350

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07/07/2006

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/844,857	Applicant(s) GARCIA-LUNA-ACEVES ET AL.	
	Examiner Mohammad A. Siddiqi	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. New claims 15-17 have been presented for examination. Claims 1-14 and 18-19 have been cancelled.
2. The amendment to the specification filed 04/12/2006 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by McCanne et al. (6,785,704) (hereinafter McCanne).

As per claim 15, McCanne discloses a method, comprising receiving a request for content (col 6, line 30) having associated therewith an

information object identified by a uniform resource locator including a redirector address mapping (since URL is produced by content provider, it must be identifying content, col 13, lines 17-26), using a lookup table (managing URL name space, col 13, lines 35-37; col 15, lines 15-30), the URL of the information object to a corresponding unicast address associated with an originating source for the information object (col 15, lines 1-9); and using the unicast address as an anycast address (any cast address is single unicast address shared by multiple entities, col 15, lines 1-9) so as to obtain the information object from a nearest information object repository identified by a redirector identified by the redirector address (col 15, lines 1-9); wherein the nearest information object repository is selected according to specified performance metrics (col 10, lines 56-67; col 11 lines 1-8), that comprise average delay from the nearest information object repository to a source of the request, average processing delay at the nearest information object repository (improving response time, reducing bandwidth, and relaxing load anticipates selection of nearest information object repository is based on recited data elements , col 9, lines 40-67; col 15, lines 1-33), reliability of a path from the nearest information object repository, available bandwidth in said path, and loads on the nearest information object repository (improving response time, reducing bandwidth, and relaxing load

anticipates selection of nearest information object repository is based on recited data elements , col 9, lines 40-67; col 15, lines 1-33).

5. As per claim 16, McCanne discloses directing the request to the nearest information object repository without regard (packet is routed to nearest device with in the content back bone, there is checking involved, col 15, lines 33-43) as to whether the information object is actually stored at the nearest information object repository (packet is routed to nearest device with in the content back bone, there is checking involved, col 15, lines 5-8; lines 33-43).

6. As per claim 17, McCanne discloses instructing the nearest information object repository to obtain a copy of the information object (packet is routed from one device to another device as it shown in fig 9; packet is routed to nearest device with in the content back bone, there is checking involved, col 15, lines 33-61)

Response to Arguments

7. Applicant's arguments filed 04/12/2006 have been fully considered but they are not persuasive, therefore rejections to claims 15-17 is maintained.

8. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

9. Applicant's arguments on pages 4-5 amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

10. In the remarks applicants argued that:

Argument: McCanne does not teach the nearest information object repository is selected according to specified performance metrics that comprise average delay from the nearest information object repository to a source of the request, average processing delay at the nearest information

object repository, reliability of a path from the nearest information object repository, available bandwidth in said path, and loads on the nearest information object repository.

Response: McCanne teaches the nearest information object repository (col 15, line 8) is selected according to specified performance metrics (col 10, lines 56-67; col 11 lines 1-8), that comprise average delay from the nearest information object repository to a source of the request, average processing delay at the nearest information object repository (improving response time, reducing bandwidth, and relaxing load anticipates selection of nearest information object repository is based on recited data elements , col 9, lines 40-67; col 15, lines 1-33), reliability of a path from the nearest information object repository, available bandwidth in said path, and loads on the nearest information object repository (improving response time, reducing bandwidth, and relaxing load anticipates selection of nearest information object repository is based on recited data elements , col 9, lines 40-67; col 15, lines 1-33; nonfunctional descriptive material is recorded on some computer-readable medium, no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100